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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

National institutions for the promotion and protection of human rights

Report of the Secretary-General**

Summary

The present report, covering the period September 2008 to September 2009, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to establish and strengthen national human rights institutions; measures taken by Governments and national human rights institutions in this regard; support provided for the international and regional activities of national human rights institutions; technical assistance provided to and on national human rights institutions, together with other United Nations agencies and programmes; and cooperation between national human rights institutions and international mechanisms to promote and protect human rights. Information regarding the work of national human rights institutions in respect of specific thematic issues is also included.

The present report complements the report of the Secretary-General to the Human Rights Council of 26 January 2009 (A/HRC/10/54), which covers activities for the period from January to December 2008, provides background information and should be read in conjunction with the present report. Documents dealing with the events noted in the present report, including reports, declarations and meeting documentation, can also be found on the website of the National Human Rights Institution Forum (www.nhri.net).

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** The present document was submitted late, without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that if a report is submitted late, the reason should be included in a footnote to the document.

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I. Introduction

1. The present report is submitted pursuant to paragraph 25 of General Assembly resolution 63/172, in which the Assembly requested the Secretary-General to report to it at its sixty-fourth session on the implementation of the resolution. The report covers activities for the period from September 2008 to September 2009 and complements the report of the Secretary-General to the Human Rights Council of 26 January 2009 (A/HRC/10/54), which covers activities for the period from January to December 2008. That report provides background information and should be read in conjunction with the present report.

2. Resolution 63/172, which was adopted by consensus, illustrates the growing importance that Member States attach to the role and potential of national institutions in the promotion and protection of human rights at the national, regional and international levels. It reaffirmed the importance of the development of effective, independent and pluralistic national human rights institutions, and encouraged such institutions to seek accreditation through the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, noting its strengthened accreditation procedure and continued assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in this regard. It also acknowledged the important work performed by regional networks of national human rights institutions. Furthermore, resolution 63/169 encouraged Member States to consider the creation or the strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions, and to develop, where appropriate, mechanisms of cooperation between them to coordinate action and strengthen their achievements.

II. Office of the United Nations High Commissioner for Human Rights and national human rights institutions

3. National human rights institutions are important partners for the Office of the United Nations High Commissioner for Human Rights. They have a crucial role to play in the effective implementation of international human rights standards at the national level by promoting the development of laws and practices consistent with those standards and monitoring their implementation. National human rights institutions can thus strengthen national protection systems by translating international human rights norms in a way that reflects national contexts and specificities.

4. OHCHR therefore accords high priority to the establishment and strengthening of national human rights institutions with due regard for the Principles relating to the status of national institutions (the Paris Principles), adopted by the General Assembly in 1993 (resolution 48/134, annex). The National Institutions Unit is a specialized unit within the OHCHR Field Operations and Technical Cooperation Division at headquarters dedicated to supporting OHCHR action with respect to national human rights institutions. As a centre of knowledge, the Unit brings together expertise and comparative experience on issues related to national human rights institutions. Working in close cooperation with the geographic units in the Division and all human rights field presences, as well as in partnership with the United Nations Development Programme (UNDP) and United Nations county

teams, the Unit contributes to supporting sustainable human rights infrastructures for the implementation of international norms.

5. To ensure that national human rights institutions are established in compliance with the Paris Principles and work as credible and effective guarantors of human rights at the country level, OHCHR provides legal and technical assistance to national stakeholders; the International Coordinating Committee of National Institutions and its Subcommittee on Accreditation; and coordinating bodies of the regional national human rights institution networks. It assists national institutions in actively addressing core human rights concerns, contributing to the rule of law, fighting impunity and establishing partnerships with civil society. OHCHR has also supported national human rights institutions in increasing their outreach at the international level, including by encouraging their participation in the United Nations human rights system (i.e., the Human Rights Council, United Nations treaty bodies and special procedures mandate holders), thus increasing their visibility as authoritative human rights actors.

6. Since 2003, OHCHR has maintained the website of the National Human Rights Institution Forum (www.nhri.net), which is linked to the OHCHR main web page and websites of national institutions and includes information on the human rights system, as well as on country and thematic issues and the activities of the International Coordinating Committee.

7. In 2008, OHCHR introduced a fellowship programme through which staff of national human rights institutions with A-status accreditation by the International Coordinating Committee are selected to work in the National Institutions Unit for six months or, increasingly, for one full year, to gain knowledge of and experience with the United Nations human rights system and to bring direct national experience to the work of the Office. In 2008, OHCHR hosted two fellows under the fellowship programme for national human rights institution staff — one from the National Human Rights Commission of the Republic of Korea and one from the Australian Human Rights Commission. The programme has continued in 2009, also with two fellows, one from the National Human Rights Commission of Togo and one from the Office of the Human Rights Defender of El Salvador. The programme has received much interest from national human rights institutions worldwide and has resulted in strong benefits for OHCHR in terms of both substantive expertise and the consolidation of direct contacts with national human rights institution staff globally.

8. In July 2009, OHCHR released a report on the findings from a questionnaire circulated at the beginning of the year taking stock of the current state of national human rights institutions around the world. The main objective of the questionnaire was to increase OHCHR knowledge of the strengths and weaknesses of such institutions. The results, based on data received from 61 national institutions worldwide, showed that they face capacity needs mainly in relation to, inter alia, organizational and resource management; knowledge of the international human rights system; relationships with public bodies and civil society; and the effective follow-up of their recommendations. The report will assist OHCHR and other United Nations agencies, including United Nations country teams and UNDP, to identify priority areas for assistance to national institutions, thus contributing to the enhancement of this important component of the national protection system.

A. Advisory services provided by OHCHR on national human rights institutions

9. OHCHR facilitated awareness-raising activities for the establishment of national human rights institutions in line with the Paris Principles. It also reviewed constitutional or legislative frameworks for new national institutions in a number of countries, providing tailored advice on appropriate forms, functions, powers and responsibilities of such institutions. Comparative analyses, technical cooperation needs assessments, project formulation and evaluation missions were also undertaken to strengthen existing institutions. Advice and assistance were frequently provided in collaboration with human rights field presences; other United Nations partners, including UNDP and the Department of Peacekeeping Operations; and the regional coordinating bodies of national human rights institutions.

10. During the reporting period, a number of national human rights institutions and/or Governments have benefited from such advice and assistance.[1]

1. The Americas and the Caribbean

11. During the reporting period, the regional office of OHCHR in Panama, country offices in the Plurinational State of Bolivia, Colombia, Guatemala and Mexico, human rights advisers in Ecuador and Nicaragua and the human rights component of the United Nations Stabilization Mission in Haiti (MINUSTAH) have continued to provide advice and assistance in the establishment and strengthening of national human rights institutions in the Americas and the Caribbean.

12. On 24 December 2008, a law to establish a national human rights institutions in Uruguay was passed. The law followed joint advocacy by the National Institutions Unit of OHCHR and the Office's Regional Representative for Latin America; the United Nations system in Uruguay; and the heads and representatives of the national human rights institutions of Peru, the Bolivarian Republic of Venezuela, Argentina, the Plurinational State of Bolivia, Mexico and Paraguay in 2005, 2006 and 2008.

13. In 2008, draft legislation to establish the National Ombudsman Office of Haiti was submitted to the Government. OHCHR and MINUSTAH have provided comments on the draft legislation and are currently following developments closely.

14. Following the reviews of Belize and Chile at the fifth session of the universal periodic review working group in May 2009 and the resulting recommendations to establish a national human rights institution in accordance with the Paris Principles,[2] OHCHR has initiated consultations on this matter with authorities in both countries.

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[1] National human rights institutions and/or Governments of the following: Afghanistan, Bahrain, Bangladesh, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chile, Djibouti, Democratic Republic of the Congo, Ecuador, Ethiopia, Georgia, Guinea, Guinea-Bissau, Jordan, Indonesia, Iraq, Kyrgyzstan, Lesotho, Liberia, Lithuania, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Nepal, Pakistan, Panama, Philippines, Republic of Moldova, Russian Federation, Rwanda, Samoa, Sierra Leone, Sri Lanka, Sudan, Southern Sudan, Tajikistan, Timor-Leste, Togo, Turkey, Uganda and Uruguay.

[2] Belize: A/HRC/WG.6/5/L.3, paras. 34, 41, 67, 10 and 68; Chile: A/HRC/WG.6/5/L.9, paras. 41 and 16.

15. OHCHR country offices organized a number of capacity-building activities involving representatives from national human rights institutions in the Latin American region: a regional workshop on human rights in Colombia; awareness-raising in Guatemala on the Convention on the Rights of Persons with Disabilities; a workshop in Nicaragua to promote the implementation of the Convention and of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and consultations on the promotion of human rights indicators in Mexico.

2. Africa

16. During the reporting period, OHCHR regional offices in Central Africa, East Africa, southern Africa and West Africa; country offices in Togo and Uganda; human rights advisers to United Nations country teams in Guinea, Kenya, the Niger and Rwanda; and human rights components of United Nations peace missions in Burundi, the Central African Republic, Chad, Côte d'Ivoire, Darfur (the Sudan), the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Sierra Leone, Somalia and the Sudan have continued to provide advice and assistance in the establishment and strengthening of national human rights institutions in Africa.

17. Following the establishment of a national human rights institution in Djibouti in 2008, the OHCHR Regional Office for East Africa, in collaboration with the institution, conducted a training workshop for participants from the Government, non-governmental organizations and the institution itself on reporting to the United Nations human rights mechanisms, focusing on the universal periodic review and the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, a joint two-year technical assistance programme was developed by the Regional Office for East Africa, UNDP, the United Nations Children's Fund (UNICEF) and UNFPA, together with the Government and the national human rights institution. The aim of the programme is to increase the human rights-related knowledge of national stakeholders and strengthen their capacities in the area of treaty body and universal periodic review reporting.

18. In Ethiopia, training was provided to staff of the newly established national human rights institution, and a website was developed. The OHCHR Regional Office for East Africa assisted the institution in carrying out activities to raise awareness regarding human rights and to enhance the Government's capacity in the area of treaty reporting.

19. From 13 to 15 October 2008, OHCHR and the United Nations Office on Drugs and Crime participated in a joint workshop organized by UNDP Mauritius to review the Mauritius Human Rights Commission's mandate. This contributed to enhancing the capacity of the Commission to fulfil its new mandate concerning police oversight and equal opportunities.

20. In the United Republic of Tanzania, the OHCHR Regional Office for East Africa, in collaboration with the Commission on Human Rights and Good Governance, co-organized a national conference, which was held on 28 and 29 October 2008, highlighting the human rights situation in the country and national priorities. OHCHR also provided training on basic human rights standards and monitoring skills for 29 Commission investigation officers from 22 to 25 June 2009.

21. In Lesotho in November 2008, the OHCHR Regional Office for Southern Africa participated in national consultations with civil society and members of Parliament to discuss the 2007 National Human Rights Commission Bill and relevant constitutional provisions to establish the Commission, with the outcome informing parliamentary discussions on the legislation.

22. Following two years of technical assistance to the Government of Burundi with a view to the establishment of a national human rights institution, OHCHR, in cooperation with the United Nations Integrated Office in Burundi in Bujumbura, organized a round table on 29 and 30 January 2009 to encourage parliamentarians to adopt a draft law to establish a national human rights institution, which had been submitted in November 2008. Sixty parliamentarians, representatives of the Administration and civil society, as well as the national human rights institutions of Kenya, Rwanda, Senegal, Togo and Uganda, participated in the event.

23. Following assistance from OHCHR and the human rights component of the United Nations Mission in the Sudan (UNMIS) on draft legislation to strengthen the existing national human rights institution, on 3 February 2009 the Southern Sudan Legislative Assembly passed the Southern Sudan Human Rights Commission Act. Under the Act, the Commission is provided with a monitoring, investigation, advisory and promotional mandate.

24. In March 2009, OHCHR, together with the United Nations Integrated Peacebuilding Office in Sierra Leone, supported the Human Rights Commission of Sierra Leone in developing a capacity development project proposal for fund-raising with a view to supporting the implementation of the Commission's three-year strategic action plan.

25. The establishment of a national human rights institution in the Comoros was discussed in the context of the training on a human-rights-based approach that the OHCHR Regional Office for Southern Africa conducted with partners in Government, civil society and United Nations agencies from 23 to 25 March 2009. OHCHR, together with UNDP, is closely following discussions on the adoption of the legislation establishing a national institution.

26. From 21 to 23 April 2009, OHCHR conducted a joint evaluation mission with the Association francophone des commissions nationales des droits de l'homme to assist the Government of Mali in implementing the outcome of the universal periodic review of Mali, which resulted in a recommendation to strengthen its national human rights institution (see A/HRC/8/50).

27. Constructive discussions on establishing a national human rights institution in Guinea were held with the authorities and civil society in Conakry in April 2009. OHCHR provided comparative information on how best to set up a national institution, including by entrenching it in the Constitution.

28. On 21 April 2009, the National Assembly of the Sudan passed legislation to establish a National Human Rights Commission. This followed advice and assistance from OHCHR and UNMIS on drafts of the law and the appointment process. OHCHR is planning an induction workshop for members of the Commission once they have been appointed.

3. Asia and the Pacific

29. During the reporting period, the OHCHR regional offices in South-east Asia and the Pacific; country offices in Nepal and Cambodia; human rights advisers to United Nations country teams in Indonesia, Papua New Guinea and Sri Lanka; and the human rights components of United Nations peace missions in Afghanistan and Timor-Leste continued to provide advice and assistance in the establishment and strengthening of national human rights institutions in the region of Asia and the Pacific.

30. OHCHR supported a mission by the Asia-Pacific Forum of National Human Rights Institutions to Sri Lanka from 10 to 16 September 2008, led by a representative of the Human Rights Commission of Malaysia. The mission was conducted at the invitation of the Human Rights Commission of Sri Lanka with the aim of discussing the concerns of the International Coordinating Committee that led to the downgrading of the Commission to "B" status in October 2007.

31. From 1 to 6 December 2008, OHCHR, the UNDP Regional Centre in Bangkok and the Asia-Pacific Forum undertook a joint mission to Malaysia to conduct a capacity-needs assessment of the Human Rights Commission of Malaysia. This exercise resulted in a detailed report, including an analytical framework that identified key strategies to address the Commission's capacity needs. The Commission endorsed the report and committed itself to implementing the proposed strategy.

32. On 18 and 19 December 2008, representatives from the Asia-Pacific Forum and OHCHR visited Pakistan to participate in consultations with civil society and parliamentarians on draft legislation to establish a National Human Rights Commission. Following those consultations, OHCHR provided comments on the draft legislation establishing the Commission.

33. The National Human Rights Commission of Bangladesh was established by ordinance in December 2008, following joint efforts by the Asia-Pacific Forum, OHCHR and UNDP Bangladesh. OHCHR and UNDP Bangladesh are actively assisting the newly appointed Commission members in building the institution's capacity and securing its early accreditation by the International Coordinating Committee.

34. In 2009, OHCHR renewed an agreement with the National Human Rights Commission of India for the management of the Commission website, which will be strengthened through the development of a password-protected Intranet version available to members of the International Coordinating Committee.

35. From 12 to 20 January 2009, OHCHR and UNDP undertook a midterm project evaluation mission to review the capacity-building project of the Office of Provedor for Human Rights and Justice of Timor-Leste (2007-2009) with a view to assessing achievements and constraints since the launch of the project and to provide recommendations for the remainder of the cycle. The evaluation concluded that the institution had made important progress in the field of human rights, and that the project had been crucial in providing support for it during the difficult inception phase. The mission also recommended specific measures for the remainder of the project.

36. In February 2009, OHCHR signed guidelines for cooperation with the National Human Rights Commission of Nepal, aimed at strengthening and further defining their partnership. Continuous support has been provided to the National Human Rights Commission, as well as to other stakeholders, to establish credible transitional justice mechanisms. In July 2009, OHCHR and the Commission developed a project for the implementation of joint activities in the context of detention and the rights of detainees.

37. In February 2009, OHCHR, together with the National Human Rights Commission of Indonesia and the Commission on Women's Rights, organized a national dialogue on the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, aimed at formulating a strategy for monitoring detention centres in Indonesia.

4. Europe

38. During the reporting period, the OHCHR Regional Office in Central Asia, the stand-alone office in Kosovo, the human rights advisers to United Nations country teams in the South Caucasus, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Serbia and the former Yugoslav Republic of Macedonia, and the human rights component of the United Nations Interim Administration Mission in Kosovo have continued to provide advice and assistance in the establishment and strengthening of national human rights institutions in Europe.

39. Following the 2008 evaluation of the Kyrgyzstan Ombudsman institution, financed by the Action 2 initiative, UNICEF and OHCHR, and conducted to assess the institution's effectiveness and capacity gaps, OHCHR held a workshop with the institution on national preventive mechanisms under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The three-day workshop, held from 24 to 26 July, helped the institution to develop its strategic planning, priority-setting and restructuring according to specialized thematic departments. Furthermore, OHCHR provided a national consultant for a six-month period to support the institution during its restructuring phase. From 10 to 14 November, the Action 2 initiative and UNDP organized a five-day workshop for the institution on complaints procedures. The United Nations then elaborated a three-year technical cooperation project (2009-2011) to further strengthen the institution.

40. In January 2009, technical advice was provided on amendments to the enabling law relating to the Office of the Human Rights Defender of Georgia, with a view to increasing its compliance with the Paris Principles and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment while assuming the functions of a national preventive mechanism.

41. In April 2009, OHCHR provided legal advice on strengthening the enabling law of the Human Rights Commission of the Republic of Moldova and ensuring an early assessment of the compliance of the Commission with the Paris Principles through the International Coordinating Committee accreditation process.

42. In Tajikistan in 2009, OHCHR has provided support to the newly established Ombudsman in setting up the institution, including by developing its strategic plan and internal regulations.

43. OHCHR is also closely following the efforts under way in European countries, including Italy, the Netherlands and Turkey, to establish a national human rights institution in line with the Paris Principles.

5. Middle East and North Africa

44. During the reporting period, the OHCHR regional offices, in the Middle East, the recently established United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, the stand-alone office in the occupied Palestinian Territory and human rights components in the United Nations Assistance Mission for Iraq (UNAMI) have continued to provide advice and assistance on the establishment and strengthening of national human rights institutions in the Middle East and North Africa region.

45. Means of ensuring further cooperation with the most recently established national human rights institutions in the Middle East, namely, those in Saudi Arabia and the Libyan Arab Jamahiriya, have also been explored.

46. OHCHR is also closely following efforts to establish national human rights institutions in Lebanon, Oman and Bahrain. In this context, OHCHR participated in an international conference on the follow-up of the universal periodic review recommendations, organized by Bahrain and UNDP in November 2008.

47. In December 2008, the Iraqi Parliament approved a law establishing the High Commission for Human Rights of Iraq. This was the outcome of a lengthy process that started in 2006. OHCHR, in cooperation with UNAMI, is supporting efforts to set up the institution and carry out the process of selecting Commission members in conformity with the provisions of the law and international standards.

48. From 8 to 11 August 2009, OHCHR participated in a mission organized and led by the Asia-Pacific Forum of National Human Rights Institutions, to explore the provision of further assistance to the national human rights institution of the occupied Palestinian territory.

B. OHCHR support for regional initiatives related to national human rights institutions

1. The Americas and the Caribbean

49. The seventh General Assembly of the Network of National Human Rights Institutions of the Americas was held in Mérida, Mexico, on 21 November 2008. At the meeting, representatives of the national human rights institutions of Ecuador and El Salvador were elected as the new members of the coordinating body of the Network, and the Defensora del Pueblo of the Bolivarian Republic of Venezuela was appointed as the new Chair.

2. Africa

50. The OHCHR Regional Office for West Africa, with support from the National Institutions Unit, attended a human rights institution workshop for Central and Western Africa, held in Lomé on 19 and 20 January 2009. The workshop, which involved participants from the national institutions of Benin, Burkina Faso, Cameroon, Cape Verde, Chad, the Central African Republic, the Congo, Côte

d'Ivoire, the Democratic Republic of the Congo, Ghana, Guinea, Mali, Mauritania, the Niger, Senegal, Sierra Leone and Togo, highlighted legal and institutional weaknesses common to the majority of national human rights institutions from the two subregions and discussed ways to strengthen those institutions in line with the Paris Principles, with assistance from OHCHR.

51. The OHCHR Regional Office for West Africa is engaged in a process of developing the subregional network of national human rights institutions. Although formally created in 2006 in Banjul, the network is not yet operational. From 12 to 14 February 2009, OHCHR participated in a meeting organized by the Economic Community of West African States in Cotonou and assisted in drafting the statute of the network, to be adopted in 2009.

3. Asia and the Pacific

52. On 2 and 3 March 2009, OHCHR participated in a consultation on the regional initiative in support of the capacity development of national human rights institutions in Asia and the Pacific, organized by the UNDP Regional Centre in Bangkok and the Asia-Pacific Forum. The initiative was launched in 2008 to assist national human rights institutions and UNDP country offices in understanding the strengths and needs of such institutions in the region and to develop strategies to address capacity gaps. The consultation discussed lessons learned from the first pilot capacity development needs assessment of the national institution of Malaysia (see para. 30 above) and explored capacity-development approaches employed to support other national human rights institutions. A second needs assessment, to be conducted by OHCHR, the Asia-Pacific Forum and UNDP, is scheduled to take place with the national institution of Maldives in October 2009.

53. OHCHR, in partnership with the Asia-Pacific Forum and with the support of the Government of Samoa and the Pacific Islands Forum, organized a regional workshop on the theme "Establishment of national human rights mechanisms in the Pacific", which was held in Apia from 27 to 29 April 2009, with a view to enhancing the capacity of Pacific States to establish national mechanisms in line with the Paris Principles. Representatives from the Marshall Islands, Nauru, Niue, Palau, Samoa, Solomon Islands and Vanuatu attended the workshop and adopted the Samoa Declaration, in which they expressed their commitment to promoting the establishment in their respective countries of national human rights institutions compliant with the Paris Principles. A "Making it happen" document, incorporating practical steps to establish an institution tailored to the needs of the Pacific island States, was also elaborated during the workshop.

54. The fourteenth annual meeting of the Asia-Pacific Forum of National Human Rights Institutions was held in Amman from 3 to 6 August 2009, hosted by the Jordan National Centre for Human Rights with assistance from OHCHR. The impact of corruption on the realization of human rights and religious beliefs were key themes during the annual meeting. The Asia-Pacific Forum councillors also discussed suspending the separate Asia-Pacific Forum accreditation process and using the International Coordinating Committee accreditation decisions as evidence of compliance with the Paris Principles for the purpose of membership of the Asia-Pacific Forum. In the long term, such an approach will bring greater consistency and strength to the International Coordinating Committee accreditation process.

4. Europe

55. OHCHR participated in the second meeting between the European Union Agency for Fundamental Rights and the European group of National Institutions for the Promotion and Protection of Human Rights, held in Vienna on 29 June 2009. The meeting focused on, inter alia, the Agency's annual work programme; the European group's strategic plan 2009-2010; the Agency national human rights institution study; and follow-up on discrimination on grounds of sexual orientation and homophobia.

56. OHCHR also participated in the meeting of the coordinating committee of the European group, held in Vienna on 30 June 2009. The meeting focused on International Coordinating Committee developments; the follow-up to the Durban Review Conference; and national human rights institution engagement with the Agency for Fundamental Rights and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE).

5. Middle East and North Africa

57. The United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, based in Qatar, held an inaugural workshop on the international human rights system in Doha from 27 to 28 May 2009. Sixty participants attended the workshop, including representatives of the national human rights institutions of Afghanistan, Jordan, the Islamic Republic of Iran, Algeria, Tunisia, Morocco, Saudi Arabia, Mauritania, Qatar and the occupied Palestinian territory, who actively shared their experiences of interacting with the international human rights system.

58. OHCHR assisted in the organization of the fifth Conference of National Human Rights Institutions in the Arab region, which was held in Amman on 8 and 9 March 2009, on the theme "Elections in the Arab region and their impact on human rights". Between 70 and 80 participants attended the Conference sessions, including representatives of the national human rights institutions of Algeria, Egypt, Morocco, Jordan, the occupied Palestinian territory, Qatar, Saudi Arabia and Tunisia; representatives of countries that do not have a national human rights institution; non-governmental organizations from Jordan, Iraq and Bahrain; OHCHR, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and UNDP; as well as international organizations, including the National Democratic Institute. Participants adopted a document to assist national human rights institutions in implementing a human rights approach during elections.

C. OHCHR support for international initiatives related to national human rights institutions

1. Ninth International Conference of National Institutions for the Promotion and Protection of Human Rights

59. OHCHR, the Kenya National Commission on Human Rights and the International Coordinating Committee co-hosted the ninth International Conference of National Institutions for the Promotion and Protection of Human Rights, on the theme "National human rights institutions and the administration of justice", held in Nairobi from 21 to 24 October 2008. More than 150 representatives from

70 national human rights institutions worldwide, non-governmental organizations, and international and regional organizations attended the Conference, which focused on lessons learned and best practices developed by national human rights institutions in relation to the judiciary and law enforcement. The Conference unanimously adopted the Nairobi Declaration, which guides national human rights institutions in performing their role in the administration of justice (A/HRC/10/54, annex III).

60. In March 2009, the Human Rights Council adopted, by consensus, resolution 10/2, on human rights in the administration of justice, calling on the Secretary-General and the High Commissioner for Human Rights to, inter alia, strengthen system-wide coordination in this area, including by providing assistance to national human rights institutions in implementing the Nairobi Declaration.

2. International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

61. In its capacity as secretariat of the International Coordinating Committee, OHCHR provided substantive support to and facilitated the twenty-second session of the Committee, held in Geneva from 23 to 27 March 2009. The agenda included reports of the Committee's governance working group, the working group on sustainable funding and the Subcommittee on Accreditation; issues related to the implementation of the Nairobi Declaration, the Durban Review Conference, regional and international engagement, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, business and human rights, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and a session on strategic planning that will be continued at the next Committee Bureau meeting, to be held in Rabat on 1 and 2 November 2009.

62. In this context, OHCHR set out its priorities for 2009-2010 for increasing national human rights institution involvement in the human rights system. These include: (a) increasing the knowledge of national human rights institutions about new treaties and optional protocols; (b) encouraging national human rights institutions to play a greater role in encouraging the ratification of new treaties; (c) strengthening treaty body procedures for interaction with national human rights institutions; (d) compiling examples of good practices of interaction; (e) disseminating treaty body concluding observations and recommendations resulting from the universal periodic review process; (f) publicizing the use of the Geneva office of the International Coordinating Committee; (g) encouraging greater national human rights institution involvement in drafting treaty bodies' general comments; and (h) supporting the involvement of national human rights institutions complaints-handling and the use of jurisprudence with respect to the treaty body system. The High Commissioner addressed national human rights institutions at the closing of the meeting.

(a) Report of the governance working group of the International Coordinating Committee

63. The International Coordinating Committee was incorporated as a legal entity under Swiss law in July 2008, and its statute of incorporation was endorsed by the general meeting of the Committee, held in Nairobi in October 2008. The governance

working group, which was established by the Committee in 2007, decided to maintain its current governance structure, although minor amendments to the statute were adopted.

(b) Reports on the implementation of the Nairobi Declaration

64. The chairs of the four regional networks reported on activities undertaken by their members to implement the Nairobi Declaration. The report of the Network of African National Human Rights Institutions included information on initiatives undertaken by members, including advocating for legislative reform; carrying out prison visits; and conducting human rights training for law-enforcement personnel. The report of the Network of the Americas made reference to the competence of national human rights institutions in complaints-handling through conciliation and mediation, lightening the workload on the judicial system, and described the activities of members, such as developing a reparations plan; convening a network for assisting victims of crimes and human rights violations; and educating prison and police department personnel. The report of the Asia-Pacific Forum outlined activities of members in relation to the judiciary and access to justice; legal-aid providers and systems; law enforcement; and places of detention. The European group reported that its strategic plan identifies work on national preventative mechanisms under the Optional Protocol to the Convention against Torture as an area of priority in 2009-2010 and that the group's procedures for amicus interventions before the European Court of Human Rights also identify the rule of law/counter-terrorism as one of the priority areas for interventions.

(c) Reports on the engagement of national human rights institutions at the international and regional levels

65. The regional Chairs gave an overview of their members' engagement at the international and regional levels. The representative of the Geneva office of the International Coordinating Committee focused on developments related to the Human Rights Council and its special procedures and treaty bodies since her report at the ninth International Conference in October 2008. She emphasized that the Committee's strategic plan for interaction with the Human Rights Council had been very helpful in setting priorities and planning communication with the Council. She recommended that the Committee's next strategic plans take into account thematic priorities.

(d) Parallel events

66. In the margins of the twenty-second session of the International Coordinating Committee, three workshops were held, on the themes "The role of national human rights institutions in detention monitoring", "The Optional Protocol to the Convention against Torture: national human rights institutions and national preventive mechanisms" and "The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights" (section VI below).

67. At the end of the twenty-second session, OHCHR, together with Rights and Democracy and the Network of the Americas, organized a workshop on the universal periodic review and the international human rights system.

3. Subcommittee on Accreditation

68. OHCHR provided secretarial support to the meetings of the Subcommittee on Accreditation in November 2008 and March 2009. As of June 2009, 66 national human rights institutions were accredited with "A status" by the International Coordinating Committee. Over the year, the Subcommittee continued to strengthen its working methods to make the process more rigorous, transparent and independent, including by making publicly available detailed summaries on each applicant institution (see A/HRC/10/55). In June 2009, the guidelines and template for accreditation applications were revised to be more user-friendly and reflective of the new requirements and procedures under the statute of the International Coordinating Committee. The working methods of the Subcommittee on Accreditation are also being revised so as to take into account views and recommendations from the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for applicant national human rights institutions that have been designated as national preventive mechanisms under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

69. OHCHR has also increasingly prioritized direct engagement with national human rights institutions around the world to encourage them to apply to the International Coordinating Committee for accreditation where they have not done so, as well as to follow up on the recommendations issued by the Committee.

III. Cooperation between United Nations human rights mechanisms and national human rights institutions

A. Human Rights Council

70. OHCHR is supporting national human rights institution participation in and engagement with the Human Rights Council, in line with Commission on Human Rights resolution 2005/74 and the past practice of the Commission. More than 20 national human rights institutions participated in the eleventh session of the Human Rights Council, held in Geneva from 2 to 18 June 2009. Institutions were very active before and during the session, presenting statements, participating in general debates and interacting with the special rapporteurs.

71. With regard to Council mechanisms, national human rights institutions have been given a significant role at all stages of the universal periodic review process, including the submission of documentation, the stakeholders' report, attendance of the review, and the continuing follow-up to recommendations. In 2008, 64 countries were reviewed under the universal periodic review. Of these, 28 have a national human rights institution, 27 of which submitted information for inclusion in the stakeholders' report.

B. Treaty bodies

72. In 2008, 82 of the countries examined by treaty bodies had a national human rights institution. Of those institutions, 39 participated in the treaty body process, including by submitting alternative reports or attending the sessions.

73. The reports to the General Assembly of the secretariat of both the Convention against Torture and the Convention on the Rights of the Child have recognized the important role of national human rights institutions in their processes. The Human Rights Committee has a dedicated focal point for national human rights institutions. In 2009, the secretariat of the Convention against Torture launched a special website for national human rights institutions, with practical information on how to interact with it.

74. Since 2003, OHCHR has been involved in the European Union-funded project on the strengthening of the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms. The aim of the project is to improve the national implementation of treaty body conclusions and recommendations by strengthening the capacity of national human rights institutions, non-governmental organizations and the media to participate in the reporting process and use international instruments and treaty body recommendations in their respective areas of work. Under the project, national workshops were held in Morocco and Indonesia (December 2008) and regional workshops were held in Panama (27-29 August 2008) and Thailand (18-20 March 2009).

C. Special procedures

75. During the reporting period, many national human rights institutions interacted with special procedures mandate holders and submitted written contributions to complement their reports on country missions to sessions of the Human Rights Council.

76. On 25 and 26 October 2008, OHCHR, in collaboration with the Representative of the Secretary-General for the Human Rights of Internally Displaced Persons and the Brookings-Bern Project on Internal Displacement, organized a seminar in Nairobi on the role of African national human rights institutions in protecting the human rights of internally displaced persons.

77. On 30 June 2009, an interactive dialogue was held by special procedures mandate holders, national human rights institutions and non-governmental organizations as part of the sixteenth annual meeting of special procedures. The representative of the Geneva office of the International Coordinating Committee presented a statement on enhancing cooperation between national human rights institutions and mandate holders, in particular as part of the follow-up mechanisms developed by some mandate holders and through Human Rights Council deliberations.

D. Durban Review Conference

78. OHCHR supported national human rights institutions in participating actively in the Durban Review Conference, including by providing financial assistance to "A status" national human rights institutions (with priority accorded to those from the least developed countries); developing a national human rights institution webpage on the official conference website; and working with the International Coordinating Committee working group on the Durban process.

79. Representatives of 39 national human rights institutions from all regions participated in the Durban Review Conference, including in a side event co-organized by OHCHR and the International Coordinating Committee to share best practices on, and key challenges to, monitoring racism, discrimination, xenophobia and related intolerance. Participants committed themselves to strengthening monitoring and implementation in relation to racism, and identified 14 priorities aimed at increasing their engagement against racism and related intolerance at the national, regional and international levels (for further details, see www.nhri.net).

80. National human rights institutions also identified a number of relevant follow-up activities: (a) the establishment of focal points within national human rights institutions; (b) the establishment of a network among the focal points; (c) the sharing of examples of good practices and resources on implementation of the related priorities through the website of the National Human Rights Institution Forum; (d) strengthening the relationship with OHCHR on anti-discrimination matters; and (e) requesting the International Coordinating Committee to place the Durban process on the agenda of its next meeting.

IV. Cooperation between OHCHR, United Nations agencies and programmes and international and regional organizations on national human rights institutions

A. United Nations country teams

81. During the reporting period, OHCHR continued to strengthen its cooperation with United Nations country teams worldwide. In cooperation with UNDP and the national human rights institutions of Denmark, India, South Africa and Uganda, OHCHR developed a toolkit for country team staff, which provides practical tools and guidance on supporting the establishment, consolidation or assessment of national human rights institutions. It explains issues, identifies good practices and proposes strategies for projects aimed at supporting organizational development and capacity for the work of national human rights institutions. A joint OHCHR-UNDP event was held in Johannesburg, South Africa, from 25 to 27 May 2009 to discuss and validate the toolkit. The launch of the toolkit is expected in October 2009.

B. United Nations Development Programme

82. Strengthening cooperation and partnerships with UNDP on technical assistance for national human rights institutions remains a key priority for OHCHR, as shown, for example by its participation in the regional initiative in support of the capacity development of national human rights institutions in Asia and the Pacific (see paras. 30 and 52 above). Joint technical assistance projects and missions have been undertaken in Nepal (capacity development project for the National Human Rights Commission, phase two), Timor-Leste (project evaluation mission), Indonesia (joint technical cooperation project) and Sri Lanka.

C. United Nations Educational, Scientific and Cultural Organization

83. OHCHR attended the meeting of the Steering Committee of the Permanent Forum of Arab-African Dialogue on Democracy and Human Rights, held in Paris on 25 and 26 May 2009. The meeting, organized by UNESCO and the national human rights institution of Egypt, brought together about 24 representatives of Governments, national human rights institutions, non-governmental organizations, regional organizations (League of Arab States, African Union, Arab Inter-Parliamentary Union, Pan-African Parliament) and international organizations (International Organization of la Francophonie).

D. United Nations Children's Fund

84. During the reporting period, OHCHR participated in a number of events organized by UNICEF on national mechanisms for children's rights, such as the conference on the creation of an independent institution to promote the rights of the child in Italy, organized by UNICEF and the Italian Government on 15 December 2008; and the regional seminar on the theme, "Creation of independent human rights institutions for the promotion and protection of the rights of the child: effective approaches for African French-speaking countries", organized by the UNICEF Regional Office for West Africa, the Innocenti Research Centre and the International Organization of la Francophonie in Bamako on 22 and 23 June 2009. In those contexts, OHCHR stressed the importance for national human rights institutions of having a broad mandate and for specialized institutions of being be in line with international standards.

E. Association of Mediterranean Ombudsmen

85. OHCHR participated in the second meeting of the Mediterranean Ombudsman network, held in Marseille, France, on 18 and 19 December 2008, organized by the Mediator of the French Republic in collaboration with the Wali Al Madhalim of Morocco and the Spanish People's Defender, on the theme "Mediterranean mediators: challenges of a common area". Twenty-eight representatives from mediation institutions in the Mediterranean basin, national human rights institutions or institutions acting as mediators in the States where ombudsman institutions do not yet exist attended the meeting, as well as representatives of supporting international and regional organizations.

F. International Ombudsman Institute

86. OHCHR attended the ninth International Ombudsman Institute World Conference, held in Stockholm from 9 to 12 June 2009. In addressing the meeting, the High Commissioner focused on current challenges to the protection and promotion of human rights, stressed the growing importance of the role of national human rights institutions and Ombudsman institutions in the promotion and protection of human rights at the national, regional and international levels; and encouraged increased cooperation among regional and international associations of ombudsmen and national human rights institutions in the context of the Paris

Principles, as well as between these organizations and the United Nations system as a whole.

G. Regional human rights mechanisms

87. In November 2008, representatives from national human rights institutions worldwide participated in a workshop organized by OHCHR at the request of the Human Rights Council (see resolution 6/20) to discuss good practices, added value and challenges for engagement with regional human rights mechanisms. The workshop recommended the establishment of a dedicated focal point in OHCHR to facilitate future networking and information-sharing on regional human rights mechanisms. The focal point was subsequently established within the OHCHR National Institutions Unit and is tasked with facilitating and coordinating further action by OHCHR.

V. Cooperation with non-governmental organizations and academic institutions

A. Non-governmental organizations

Non-governmental organization forum (Nairobi)

88. As part of the ninth International Conference of National Human Rights Institutions, a non-governmental organization forum was held on improving access to justice for vulnerable groups through partnerships between non-governmental organizations and national human rights institutions, with over 100 international, regional and national participants. In addressing the Forum, OHCHR stressed the role of national human rights institutions in protecting vulnerable groups, victims of human rights violations and human rights defenders. The forum developed a plan of action for cooperation between national human rights institutions and non-governmental organizations.

B. Academic institutions

Bristol University

89. In 2008 and 2009, OHCHR strengthened its partnership with the Bristol University research programme team on the Optional Protocol to the Convention against Torture. OHCHR participated in a round table on the Convention in the OSCE region, held in Prague on 25 and 26 November 2008, and in two round tables on the Convention, held in Bristol, United Kingdom, on 20 and 21 May 2009, which were attended by international and regional experts, including the Convention Subcommittee on the Prevention of Torture and the European Committee for the Prevention of Torture, thereby contributing to consideration of the role and functions of national human rights institutions in torture prevention.

VI. Thematic issues

A. Business and human rights

90. At its meeting in March 2009, the International Coordinating Committee established a nine-member working group on business and human rights, consisting of two national human rights institutions per region and a representative of the Chairperson of the International Coordinating Committee. The working group's mandate includes strategic planning; capacity-building and resource-sharing; and agenda-setting and outreach. The working group will hold its first meeting in Copenhagen in 2009.

91. On 5 June 2009, approximately 30 representatives from national human rights institutions, non-governmental organizations and Member States met at a side event to the eleventh session of the Human Rights Council, organized by the International Coordinating Committee in collaboration with OHCHR, to discuss the emerging role of national human rights institutions in the area of business and human rights, focusing in particular on the issues canvassed by the Special Representative of the Secretary-General on human rights and transnational corporations.

B. Economic, social and cultural rights

92. A side event was held during the twenty-second session of the International Coordinating Committee, focusing on national human rights institutions and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Panellists at the event described the framework of the Optional Protocol and discussed the justiciability of economic, social and cultural rights, which is likely to become more established domestically once international jurisprudence is developed. The discussions highlighted the fact that the role of national human rights institutions in implementing the Optional Protocol involves, in particular, changing attitudes through human rights promotion, building a domestic constituency and applying its non-judicial complaints procedures.

C. Detention

93. A side event held during the twenty-second session of the International Coordinating Committee provided a forum for national human rights institutions to share experiences and initiatives on detention monitoring and contribute directly to a joint publication by the Harvard University Human Rights Programme and OHCHR. The discussions focused on structural issues (e.g., access, resources, scope of jurisdiction) and policy issues (e.g., vulnerable groups, complaints-handling, visitation protocols and follow-up mechanisms) in relation to detention monitoring. The discussion underlined the importance of detention monitoring, not just in terms of preventing torture, but also for issues such as arbitrary detention, discrimination and access to medical care.

D. Education

94. In 2008, the Human Rights Council requested the Human Rights Council Advisory Committee to prepare a draft declaration on human rights education and training to be submitted to the Council at its March 2010 session (see Human Rights Council resolution 10/28). To that end, the Advisory Committee sought the views and input of relevant stakeholders, including national human rights institutions. At the twenty-second session of the International Coordinating Committee, the Consultative Council on Human Rights of Morocco was mandated to facilitate national human rights institutions input to the draft declaration on human rights education and training on behalf of the Committee.

E. Migration

95. The National Human Rights Commission of the Republic of Korea hosted a conference on the promotion and protection of the rights of migrants in a multicultural society, held in Seoul on 10 and 11 November 2008, which brought together national human rights institutions in Asia to discuss their role in relation to migrants' rights and identify priorities and strategies. The conference adopted guidelines that include practical steps for national human rights institutions to ensure the protection of migrants' rights.

F. National human rights institutions, torture prevention and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

96. A side event was held during the twenty-second session on the experience of national human rights institutions in connection with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as developed so far. The discussions showed that, while there is no set model for the creation of a national preventive mechanism, national institutions have a significant role to play in relation to the Optional Protocol, either by acting as national preventive mechanisms, coordinating the work of such mechanisms, or effectively interacting with the designated mechanism. The important role of national human rights institutions at the international level (e.g., interactions with the Subcommittee on Prevention of Torture) was also noted, and increased communication between national human rights institutions and the Subcommittee was encouraged.

G. Transitional justice

97. On 21 January 2009, OHCHR released a guidance note on national human rights institutions and transitional justice, developed in consultation with a number of experts and national institutions. The purpose of the guidance note is to assist national human rights institutions in their engagement on transitional justice issues, and it describes challenges and opportunities faced by such institutions. The note highlights applicable international standards, provides examples of relevant national

institution country experiences and makes recommendations regarding their engagement.

H. Sixtieth anniversary of the Universal Declaration of Human Rights

98. In 2008, the Secretary-General launched a year-long campaign to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights, focused on the theme "dignity and justice for all of us". In this context, OHCHR paid special attention to the rights of people deprived of their liberty in prisons and other places of detention. OHCHR specifically designated 6 to 12 October 2008 as "Dignity and Justice for Detainees Week", and invited national human rights institutions and other partners to conduct focused activities in, or related to, places of detention during that week and throughout 2008. Ten national human rights institutions and two non-governmental organizations participated in the initiatives sponsored by OHCHR in the framework of the sixtieth anniversary.

VII. Conclusions

99. **National human rights institutions compliant with the Paris Principles are key elements of a strong, effective national human rights protection system. They play a crucial role in translating international human rights norms into national laws and practices; supporting Governments to ensure their application; monitoring and addressing core human rights concerns at the national level (such as torture, arbitrary detention and human trafficking); protecting the work of human rights defenders; and contributing to the fight against discrimination on all grounds. National human rights institutions that are in compliance with the Paris Principles can be a first port of call for victims of human rights violations. The Secretary-General encourages them to play an important role in the fight against impunity and, crucially, to advocate for accountability and justice.**

100. **In this context, the Secretary-General welcomes the adoption, at the ninth International Conference of National Institutions for the Promotion and Protection of Human Rights, of the Nairobi Declaration as testimony of the growing commitment of national human rights institutions to strengthening the administration of justice and the rule of law. The Secretary-General encourages follow-up activities by national human rights institutions on rule-of-law activities, in close cooperation with United Nations offices and human rights field presences.**

101. **The Secretary-General urges national human rights institutions to constructively cooperate with national civil society organizations in the promotion and protection of human rights. National human rights institutions and non-governmental organizations can reinforce each other's efforts at the national, regional and international levels in order to promote and protect human rights.**

102. **The Secretary-General encourages national human rights institutions to play an active role in the international human rights system, especially in the Human Rights Council, its universal periodic review mechanism and the special**

procedures, as well as the human rights treaty bodies. National human rights institution engagement enriches the deliberations of those bodies by contributing independent national expertise to their deliberations, while also enhancing the effectiveness of follow-up action at the national level of recommendations resulting from the international human rights mechanisms.

103. In this regard, the Secretary-General welcomes the incorporation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights as an association under Swiss law, which will further strengthen the role of the International Coordinating Committee network, regional coordinating bodies of national human rights institutions and such institutions themselves in the international human rights system.

104. The Secretary-General welcomes the financial and substantive support given to the International Coordinating Committee by OHCHR, including continued assistance for Committee meetings, the Committee accreditation process and international conferences of national human rights institutions.

105. The Secretary-General notes with satisfaction the increasing rigorousness, fairness and transparency of the accreditation process carried out by the Subcommittee on Accreditation of the International Coordinating Committee, with the support of OHCHR, and stresses the importance of this process in ultimately strengthening the national human rights protection system. In this context, the Secretary-General acknowledges the tailored and time-bound recommendations issued as a result of reviews of national human rights institutions. The Secretary-General also welcomes the continuing development of general observations by the International Coordinating Committee, serving as an additional interpretative tool of the Paris Principles.

106. The Secretary-General also notes with appreciation the continuing work of the regional networks of national human rights institutions in Europe, the Americas, Asia and the Pacific and Africa and encourages greater cooperation between the regional networks and OHCHR.

107. Within OHCHR, the Secretary-General welcomes the continuation and strengthening of the National Institutions Unit fellowship programme in 2009.

108. Fostering strong partnerships system-wide to build on the capacities and expertise of United Nations entities is central to achieving this objective. For this reason, the Secretary-General welcomes the development of an OHCHR-UNDP toolkit for United Nations country team staff on the establishment and strengthening of national human rights institutions.

109. The Secretary-General welcomes the adoption of resolution 63/169 by the General Assembly on the role of Ombudsman institutions, which, inter alia, underlines the importance of the autonomy and independence of the Ombudsman, mediator and other national human rights institutions. The Secretary-General echoes the High Commissioner's call for greater cooperation between national human rights institutions and Ombudsman institutions, as well as her encouragement to Ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national protection mechanisms.

110. **Finally, the Secretary-General stresses the importance of the financial independence and stability of national human rights institutions for the effective execution of their mandates, especially in times of financial crisis.**